

### REMARKS

Claims 1-20 are pending in the present application after this amendment adds new claim 20. Claims 1, 9, and 19 have been amended to further clarify the patentable subject matter in a good faith effort to bring the prosecution of this case to a conclusion. No new matter is added by the amendments and new claim, which find support throughout the specification and figures. In particular, the amendments find support in the specification at page 33, line 34 and following. In view of the above amendments and the following remarks, favorable reconsideration of this case is respectfully requested.

According to the Final Office Action, claims 1-6, 9-13, 16, and 19 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,940,396 (Rochberger). Furthermore, claims 7, 8, 14, 15, 17, and 18 have been rejected under 35 U.S.C. §103 as being unpatentable over Rochberger in view of U.S. Patent 5,872,773 (Katzela et al). In response, all rejections are respectfully traversed in light of the newly amended claims.

Rochberger discloses a method of routing and performing autoconfiguration in an Asynchronous Transfer Mode (ATM) network. In particular, this patent is primarily directed to a network that is dynamic as opposed to static: if a link is disconnected from a node or connected to a different node, the nodes configure themselves automatically. To this end, the network is built in a hierarchical manner in the form of branches and trees, utilizing an address assignment scheme. According to Rochberger, network nodes are assigned network address prefixes based on their location on the tree. Each node registers a network address and its associated significant length for each of its neighbors. The routing is performed by comparing the destination address against each of its registered addresses, and using the network address prefix scheme to direct

packets to their destination. It will be noted that only a small portion of the patent is directed to load balancing, specifically column 11, lines 7-21.

Rochberger apparently discloses that on a particular node at each step there may be more than one suitable match found, i.e., multiple links that are equally "best". The addresses for those links are placed into an array according to match length. For a particular decision, "the next time a match is found with that particular length, the registered link next in line in the array is used and stored as the last used link, thus balancing the load across 'equally' matching links" (see column 11, lines 19-21 of the patent).

In contrast to Rochberger, Applicants' method as now recited in claim 1, for example, includes a network divided into a plurality of areas with a plurality of nodes. This is not disclosed in Rochberger. Further according to Applicants' claim 1, the method comprises carrying out a load-balancing process at a boundary node in each area in a closed manner. This is patentably distinguishable over the Rochberger's load-balancing, as the underlined features of the present invention in particular are not found in the patent relied upon in the Final Office Action. Clearly, Rochberger only teaches load-balancing using an array with link addresses and fails to disclose that the load-balancing is performed at a boundary node, or that the load-balancing is performed in a closed manner. For this reason, it is believed that claim 1 is allowable over the prior art of record.

Other independent claims (claims 9 and 19) in the instant application have been similarly amended to recite the above features of the present invention. These claims likewise are distinguishable over Rochberger at least for the above reason discussed with reference to claim 1.

With respect to Katzela, this patent fails to cure the deficiencies in Rochberger. Katzela is relied upon in the Final Office Action for the proposition of re-distribution and re-routing of traffic flow if a link/route fails or congestion is present, as stated in the abstract. Hence, this reference is deficient in supplementing Rochberger to teach or suggest carrying out a load-balancing process at a boundary node in each area in a closed manner, as now recited in Applicants' claim 1.

Due to their dependencies, claims 2-8 and 10-18 contain all of the limitations of the above-mentioned independent claims 1 and 9 in addition to further limitations; and these dependent claims likewise are distinguishable over the prior art at least for the above reasons discussed in connection with independent claim 1 and 9.

New claim 20 has been added to further clarify the patentable features of the present invention. All limitations in this claim have been discussed above and cannot be found in the prior art of record.

In light of the above, it is respectfully submitted that Rochberger and Katzela, alone or in combination, fail to teach or suggest all of the features of the present invention as now recited in claims 1-20. Applicants' representative respectfully requests withdrawal of the rejections of these claims. Favorable reconsideration of this case and early issuance of the Notice of Allowance are earnestly solicited.

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Brian E. Hennessey  
Reg. No. 51,271

**CUSTOMER NUMBER 026304**

Telephone: (212) 940-8800

Fax: (212) 940-8986/8987

Docket No.: FUJI 18.659 (100794-11707)